

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

v.

**DAMION BARNES
a/k/a “Turk”**

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CRIMINAL DOCKET NO. 09-040

SECTION: “K”

FACTUAL BASIS

The above-named defendant **DAMION BARNES, a/k/a “Turk,”** has agreed to plead guilty as charged to the one-count Indictment in this case. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegations against the defendant, **DAMION BARNES, a/k/a “Turk,” (“BARNES”)**:

On August 8, 2005 at 10:36 a.m., **BARNES**, who was dressed in a camouflage hat pulled down low on his face, dark blue coveralls and dark shoes, attempted to exchange a Mexican peso at the Omni National Bank on Citrus Boulevard, Harahan, Louisiana. **BARNES** was advised that the bank no longer exchanged foreign currency, and he left the bank. **BARNES** left the bank

in a dark gray, 2003 Dodge Ram 1500 pick-up with license plate #W445586. Two employees from the Omni National Bank identified **BARNES** from a six-person photographic line-up as the individual who attempted to exchange foreign currency on August 8, 2005, and who left in the Dodge Ram pick-up.

On August 8, 2005 at approximately 11:15 a.m., **BARNES** entered the Whitney National Bank located at 6318 Jefferson Highway, Harahan, Louisiana. **BARNES** was wearing a camouflage hat pulled down low on his face and dark blue coveralls, when he approached the third bank teller's window and slid her a paper bag across the counter which had a Mexican peso on top of it. The bank teller directed **BARNES'** attention to the customer service desk, at which time **BARNES** shook his head and pushed the bag back toward the teller and said, "Look." **BARNES** then produced a crumbled white piece of paper which stated, "I have a gun don't play no games with me put the money in the bag and you wont be hurt."

The bank teller realized it was a robbery and she slid the foreign currency to the floor and pressed the bank's hold-up alarm button. The bank teller then placed \$1080.00 and a dye pack inside the paper bag and gave it to **BARNES**, who left the bank with the money. As **BARNES** left the bank in a stolen gray, 2003 Dodge Ram pick-up truck, the dye pack ignited from inside the vehicle.

On August 8, 2005, Whitney National Bank had its deposits insured by the Federal Deposit Insurance Corporation.

Earlier that morning on August 8, 2005 at 7:50 a.m., a man reported that his gray, 2003 Dodge Ram 1500, License # W445586, was stolen from his home. At 9:30 p.m. on August 8,

2005, the truck was recovered in the 1200 block of General Ogden Street. The driver's side door and ignition had been punched with a screwdriver. Several items were recovered from the truck, including two buccal swabs taken from the passenger floorboard which had red dye stains.

BARNES' fingerprints were found on a water bottle recovered from the stolen truck. DNA recovered from the water bottle and a half-smoked cigar was compared to buccal swabs taken from **BARNES'** mouth pursuant to a search warrant, which resulted in a positive match. The owner of the vehicle did not know **BARNES** and never allowed him to drive or ride in his truck.

ELIZABETH PRIVITERA, #27042 (Date)
Assistant United States Attorney

SAMUEL SCILLITANI (Date)
Attorney for Defendant

DAMION BARNES (Date)
Defendant